

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Application Number: 09/935,092

Filing Date: 8/22/2001

Certificate of Transmission under 37 CFR 1.8


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SEP 14 2005

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United States Patent and Trademark Office

on 09/14/2005

Date



Signature

Laurie Morgan

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

1. Fee Transmittal
2. Response to Notice Under 37 CFR 1.251
3. Copy of Response to Notice to File Missing Parts
4. Copy of Notice to File Missing Parts
5. Copy of Declaration and Power of Attorney

Total pages including cover sheet: 14

BEI-0066US  
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*Please notify us immediately (509-324-9256) if  
there is a problem with the quality of this fax.*

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4010).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/935,092
Filing Date	8/22/2001
First Named Inventor	Harry Tang
Examiner Name	Bob A Phunkulh
Art Unit	2661
Attorney Docket No.	BE1 0066US

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**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** 20 or HP = 50 x 50 = 2500 **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** 3 or HP = 200 x 200 = 40000 **Fee Paid (\$)**

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: \_\_\_\_\_

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	40480	Telephone	(509) 324-9256
Name (Print/Type)	Rocco L. Adornato	Date	14 SEPT 05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 14 2005

Application Serial No. .... 09/935,092  
Filing Date ..... 22 August 2001  
Inventorship ..... Harry Tang  
Applicant ..... BellSouth Intellectual Property Corporation  
Group Art Unit ..... 2661  
Examiner ..... Bob A. Phunkulh  
Attorney's Docket No. .... BE1 066 US  
Title: ASYNCHRONOUS DIGITAL SUBSCRIBER LINE (ADSL) RESOURCE  
PLANNING

**RESPONSE TO NOTICE UNDER 37 CFR 1.251 DATED 16 AUGUST 2005**

To: Commissioner for Patents  
P.O. Box 1450  
Mail Stop Reconstruction  
Alexandria, VA 22313-1450

From: Rocco L. Adornato (Tel. 509-324-9256 x257; Fax 509-323-8979)  
Customer No. 49584  
Lee & Hayes PLLC  
421 W Riverside Avenue, Suite 500  
Spokane, WA 99201

### INTRODUCTORY COMMENTS

This communication is responsive to the Notice under 37 CFR 1.251, dated 16 August 2005, for which a three-month shortened statutory period for response is set for 16 November 2005 (hereinafter, the "Notice"). The Notice stated that in connection with the reconstruction of the instant file, the Office was unable to locate a copy of the Applicant's Response to the Notice to File Missing Parts including the signed Oath/Declaration dated 1/22/02.

In response to the Notice, the Applicant submits a copy of the above papers as contained in the files of the undersigned law firm. It is noted that after this application was filed, the Applicant transferred responsibility for this matter from the Woodcock Washburn law firm to the undersigned law firm. Therefore, the Power of Attorney faxed to the USPTO on or about 6 September 2005 supersedes the Associate Power of Attorney included in the copies of the papers submitted herein.

In any event, the Applicant submits that the enclosed copies are fully-responsive to the Notice. However, if the Applicant is mistaken, or if the Applicant can further assist in the reconstruction of this matter file, the Office is requested to contact the undersigned.

No revisions are made herein to the specification or to the claims as pending herein.

Favorable action on this matter is requested at the earliest convenience of  
the Office.

Date: 14 SEPT 05

Respectfully Submitted,

By: 

Rocco L. Adornato  
Lee & Hayes, pllc  
Reg. No. 40,480  
(509) 324-9256 ext. 257

DOCKET NO.: BELL-0099/00164 CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 14 2005

In Re Application of:

Harry Tang

Serial No.: 09/935,092

Group No.: 2661

Filing Date: August 22, 2001

Examiner: Not Yet Assigned

For: ASYNCHRONOUS DIGITAL SUBSCRIBER LINE (ADSL) RESOURCE PLANNING

DATE OF DEPOSIT:

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO BOX MISSING PARTS, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME: George J. Awwad  
REGISTRATION NO.: 46,528

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND  
REQUEST FOR EXTENSION OF TIME**

In response to the "Notice to File Missing Parts of Application--Filing Date Granted" dated September 19, 2001, a response to which is due, with extension, December 19, 2001, enclosed herewith for filing is:

- ☒ A copy of the Notice to File Missing Parts.
- ☒ The original Combined Declaration and Power of Attorney, executed by the inventor(s). An unexecuted copy of this document, attached to the above-identified specification, was filed by Express Mail No. EL 568 088 429 US on August 22, 2001.
- ☒ An Associate Power of Attorney is also enclosed.
- ☐ Basic Filing Fee of \_\_\_\_ is enclosed together with the \_\_\_\_ surcharge.

DOCKET NO.: BELL-0099/00164 CIP - 2 -

PATENT

- ☐ Request for Corrected Filing Receipt.
- ☐ A substitute specification in compliance with 37 C.F.R. 1.52.
- ☐ \_\_\_\_\_ Sheets of Substitute drawings in compliance with 37 C.F.R. 1.84.
- ☐ Other: \_\_\_\_\_
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization
- ☒ Request is hereby made under 37 CFR 1.136(a) to extend the time for response to the Notice to File Missing Parts of Application of September 19, 2001 to and through December 19, 2001, comprising an extension of the shortened period of one (1) month:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
MISSING PARTS SURCHARGE	\$65	\$	\$130	\$ 130.00
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$ 110.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$720	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
TOTAL FEE DUE				\$ 240.00

Applicant(s) has/have not been notified that the requested extension will not be permitted. The present application is not involved in an interference declared pursuant to 37 CFR 1.207.

**Total fee required \$ 240.00**

DOCKET NO.: BELL-0099/00164 CIP - 3 -

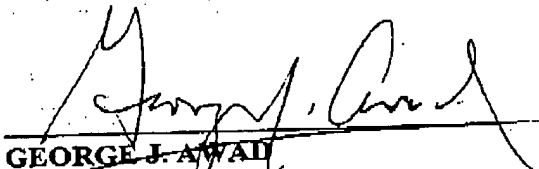
PATENT

- ☒ A check in the amount of \$ 240.00 is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$ \_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- ☒ Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.
  - ☒ Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- ☒ Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
  - ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
  - ☒ Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.

This sheet is attached in duplicate.

Date:

December 19, 2001

  
GEORGE J. AWAD  
Registration No. 46,528

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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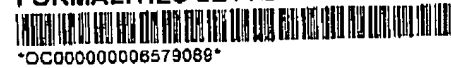
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20230  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/935,092	08/22/2001	Harry Tang	BELL-0099 (00164-CIP)

CONFIRMATION NO. 2242

## FORMALITIES LETTER



\*OC000000006579089\*

WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103

Date Mailed: 09/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION


FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE